

United States District Court

ORIGINAL

DISTRICT COURT OF GUAM

APR - 4 2005 mba

for

THE DISTRICT OF GUAM

MARY L.M. MORAN

CLERK OF COURT

U.S.A. vs:

MICHAEL ATOIGUE BURGOS

Docket No.

CR 05-00007-001

Petition for Action on Conditions of Pretrial Release

COMES NOW ROBERT I. CARREON PRETRIAL SERVICES
presenting an official report upon the conduct of Michael Atoigue Burgos
who was placed under pretrial release supervision by the Joaquin V.E. Manibusan, Jr., Magistrate
sitting in the court at Hagatna, Guam o n 9th date of February, 20 05
under the following conditions:

Report to the U.S. Probation Office and the Bureau of Immigration and Customs Enforcement as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; not leave Guam without the permission of the Court; avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; and submit to drug testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

(See attached Special Report by U.S. Probation Officer Robert I. Carreon)

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148(b), order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

ORDER OF COURT

Considered and ordered 4th day
of April, 2005 and ordered
and made a part of the records in the
case.

Joaquin V.E. Manibusan, Jr.
U.S. District Judge/Magistrate

Respectfully,

Robert I. Carreon

U.S. Pretrial Services Officer

Place: Hagatna, Guam

March 30, 2005

RECEIVED

APR - 1 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL ATOIGUE BURGOS
Defendant.

Docket No.: CR 05-00007-001

DECLARATION IN SUPPORT OF PETITION

Re: Request for Modification of Release Conditions

I, Robert I. Carreon, am the U.S. Pretrial Services Officer assigned to supervise the Court-ordered conditions of pretrial release for Michael Atoigue Burgos and in that capacity declare as follows:

On February 9, 2005, the defendant appeared in the U.S. District Court of Guam for a sealed Initial Appearance hearing of a Complaint charging him with Conspiracy to Import Methamphetamine Hydrochloride, in violation of Title 21 United States Code §§952(a), 960 and 963. He was subsequently released on a personal recognizance bond with the following conditions: report to the U.S. Probation Office and the Bureau of Immigration and Customs Enforcement as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; not leave Guam without the permission of the Court; avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; and submit to drug testing.

On March 9, 2005, Mr. Burgos was indicted by the grand jury with Conspiracy to Import Methamphetamine Hydrochloride, in violation of 21 U.S.C. § 952(a), 960, and 963. On March 10, 2005, he appeared for Arraignment and pleaded not guilty. The Court then modified pretrial release to include an order that upon the unsealing of the case, Mr. Burgos is required to undergo a drug use assessment and to participate in any treatment recommended. The modification is based on information of a pretrial services release status report alleging methamphetamine use by the defendant on February 16, 2005.

At this time, Mr. Burgos continues to violate his drug testing condition. On March 15, 2005, he failed to report for scheduled urinalysis. Upon confrontation, he informed the pretrial services officer that he was unaware of the schedule. Mr. Burgos was admonished for his violation and was re-advised of the testing schedule. On March 22, 2005, Mr. Burgos appeared for urinalysis and tested presumptive positive for methamphetamine. He denied any drug use. The test sample he provided was not sufficient in quantity to forward to the laboratory for confirmation. Mr. Burgos acknowledged that he was given adequate notice of the drug test and that he had enough time to

DECLARATION IN SUPPORT OF PETITION
Request for Modification of Release Conditions
Re: BURGOS, Michael Atoigue
USDC Cr. Cs. No. 05-00007-001
March 30, 2005
Page 2

prepare himself to provide enough of a test sample. Mr. Burgos claimed that he has recently been experiencing difficulty urinating and that specifically, he has gone two to three days without urinating. He agreed to seek medical attention for the problem and to provide the pretrial services officer with any medical report.

The pretrial services officer requests that, pursuant to 18 U.S.C. §3148(b), the Court order a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other action which the Court may deem just and proper.

The pretrial services officer recommends that bail be revoked due to the danger the defendant poses to the community.


Executed this 30th day of March 2005, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746.

I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

RESPECTFULLY submitted this 30th day of March 2005.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


ROBERT I. CARREON
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Marivic P. David, AUSA
John T. Gorman, Federal Public Defender
File